

DEPARTMENT OF BENEFIT PAYMENTS

744 P Street, Sacramento, CA 95814

June 27, 1975

ALL-COUNTY LETTER NO. 75-131

TO: ALL COUNTY WELFARE DIRECTORS

OBSOLETESuperseded by ACL #77-15Issued 3-17-77

SUBJECT: VIETNAMESE AND CAMBODIAN REFUGEE ASSISTANCE PROGRAM

REFERENCE:

This All-County Letter is being issued jointly by the Department of Benefit Payments and the Department of Health to incorporate in one directive all program instructions concerning financial assistance, medical assistance, and social services to Vietnamese and Cambodian refugees in the United States. The specifics of this new program created by recent federal legislation have just been promulgated by an SRS Action Transmittal (SRS-AT-75-27, June 9, 1975). Because there will not be a separate Medi-Cal letter on this subject, the DOH has broadened the distribution of this All-County Letter to include all persons who receive Medi-Cal letters. Each county shall take steps to insure that these instructions receive the broadest distribution possible.

I. GENERAL INFORMATION

The following legislation has been enacted, providing for assistance to Cambodian and Vietnamese refugees in the United States:

The Indochina Migration and Refugee Assistance Act of 1975 (Public Law 94-23).

Special Appropriations for Assistance to Refugees from Cambodia and Vietnam (Public Law 94-24).

Funds for the purposes of this program have been appropriated for the period ending June 30, 1976. The authorizing legislation for this purpose expires September 30, 1977.

The Federal legislation provides for 100% federal reimbursement for assistance to Vietnamese and Cambodian refugees in the United States. The 100% federal reimbursement includes financial assistance, medical assistance, social services, and the administrative costs incurred in the provision of such assistance and services. It should be noted,

however, that certain limitations have been placed on the maximum amounts for administration which may be claimed for federal payments. These amounts differ between the financial assistance payments, social services and medical assistance.

This letter addresses the assistance and services portions of the Vietnamese and Cambodian refugee program. Policies related to fiscal claiming procedures will be discussed in another All-County Letter which will be released shortly.

Emergency regulations to implement the policies in this letter and the forthcoming fiscal letter are currently in the process of being drafted and will be issued as soon as possible.

II. PERSONS ELIGIBLE UNDER VIETNAMESE-CAMBODIAN REFUGEE PROGRAM

Definition of a Refugee

For the purpose of the refugee assistance program, a refugee is defined as: A Cambodian or Vietnamese national who owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable to or, owing to such fear, is unwilling to avail himself of the protection of that country and has been paroled into the United States by the Immigration and Naturalization Service (INS) as a refugee or has been granted voluntary departure by the Immigration and Naturalization Service (INS) as a refugee. Parole is granted only prior to or at entry into the United States. Voluntary departure is granted only when a refugee had entered as a nonimmigrant or entered without inspection.

In order to be eligible under the refugee assistance program, the refugee must possess a Form I-94 issued by INS indicating that the person either has been paroled into the United States or has been granted "voluntary departure" status.

Students

Vietnamese or Cambodian students who are attending school in the United States and who meet the definition of a refugee would be eligible and may apply under the refugee assistance program.

Dependents of Repatriated U.S. Citizens

Excluded from this definition of refugees are those persons who are dependents of repatriated U.S. citizens and who would be included under the Repatriate Program. Such persons are those who are actually dependent on the U.S. citizen and meet one of the following categories of relationship to such citizen: Spouse; parents; grandparents; unmarried minor (as defined by State law) children, including adopted children and stepchildren; unmarried adult children who are dependent because they are handicapped, including adopted children and stepchildren; spouse's parents; spouse's grandparents; and minor siblings of the repatriate and spouse.

Since a dependent of a U.S. citizen may also possess a Form I-94, the county welfare department must inquire whether the person entered the U.S. as a dependent of a U.S. citizen and whether the relationship to the U.S. citizen is such that the person would be included under the Repatriate Program rather than the refugee assistance program.

III. SPONSORSHIP

Most of the refugees who reach a community will have been resettled by one of the national voluntary agencies working with the Federal Government and will have a local sponsor. In resettling a refugee, the resettlement agency and the sponsor undertake certain responsibilities as a moral commitment. These responsibilities include receiving the refugee and his family, providing shelter and food until the refugee becomes self-sufficient; providing clothing and pocket money; providing assistance in finding employment and in enrolling children in school; and covering ordinary medical costs. Once employment is obtained, the sponsor will assist the refugee to locate permanent housing, acquire minimal furniture, and arrange for utilities. Sponsors are also expected to help the refugees with some of the less tangible aspects of adjustment to a new culture.

If a sponsor no longer provides for a refugee and a complete breakdown of sponsorship occurs -- as may take place when a substantial period of unemployment is experienced or when major medical needs arise -- then the refugee may have to turn to the public welfare agency for assistance.

As part of the regular verification process, the county welfare department prior to accepting a refugee for assistance, should contact the sponsor to verify that the sponsorship has broken down and that the sponsor has done the best he can. Verification should include a determination by the county that the sponsor is unable to carry out the responsibilities specified above. Counties may require that sponsors sign a written statement that they are no longer able to carry out such responsibilities. Documentation of the verification should be included in the county's case file.

There is one exception to the general rule that the sponsorship must have completely broken down before any financial assistance, medical assistance or social services may be provided. This occurs where there is a partial breakdown of sponsorship because of necessary medical services.

For Vietnamese and Cambodian refugees who are applying for medical assistance only, county welfare departments must first establish that the sponsor is unable to meet the cost of the refugees' medical needs. The county department shall contact the sponsor and verify that the sponsorship has broken down as far as medical needs are concerned. Documentation of the county department's contact with the sponsor should be included in the case file.

The county welfare department should also confirm that the resettlement agency has been notified of the breakdown in the sponsorship so that

the resettlement agency can endeavor to develop another sponsorship; meanwhile assistance may need to be provided. A list of the national volunteer agencies which are serving as resettlement agencies is being compiled and will be sent out within a few days.

Isolated instances of breakdowns in resettlement planning are expected to occur in any refugee resettlement program. However, if the county welfare department should find that refugees in a community are applying for assistance within a few days after arrival or that a substantial portion of the resettlements are breaking down, this information should be communicated to: Vietnamese Refugee Program Coordinator, Adult Programs Management Branch, State Department of Benefit Payments, 744 P Street, Sacramento, CA 95814. Include the names of the voluntary resettlement agencies responsible for the resettlements. This will provide a basis for corrective action and future resettlement planning.

IV. ASSISTANCE TO REFUGEES

Waiver of Categorical Relatedness

Requirements of categorical relatedness for financial assistance, medical assistance, and social services are waived. This enables assistance and services to be provided on the basis of need, without regard to family composition or the presence of children. The provision of assistance on this basis is designed to avoid a needy refugee's becoming a burden on State or local public or voluntary resources if the resettlement plan has broken down.

New Sponsorship

If following the breakdown of a sponsorship and following the granting of aid to the refugee the resettlement secures a new sponsor for the refugee who accepts the responsibilities of sponsorship, financial assistance, medical assistance, and social services to the refugee should be terminated. Only if a subsequent sponsorship breaks down will the county grant financial assistance and provide medical assistance and social services to the refugee.

Aid from National Volunteer Agencies

County welfare departments should advise potentially eligible refugees that limited financial assistance may be available to them through the national volunteer agency which developed their local sponsorship. Funds for the relocation and resettlement of refugees were provided to the national volunteer agencies by the U. S. State Department. While the national volunteer agencies are not required to make these funds available to the refugee, the agency may make financial assistance available to the refugee upon the request of the refugee or his sponsor. Therefore, county welfare departments should encourage refugees to seek such funds prior to applying for financial assistance, medical assistance or social services. County welfare departments can not require the refugee to seek these funds nor consider such potential funds as a resource available to the refugee when evaluating a refugee's application for assistance.

Financial Assistance to Refugees

Financial assistance to refugee cases, regardless of family composition, will be based upon the State's AFDC needs standard with income and resources taken into consideration on the same basis as in the AFDC program and payments made in accordance with the State's AFDC payment levels. In determining need and the amount of assistance for the large extended family group it may be necessary and more practical to set up more than one budget unit. The State's standard for an assistance unit of one in AFDC must be used for single individuals and the two-person standard for a husband and wife.

For an extended family, a Family Budget Unit (FBU) should be established for each nuclear family (parent(s) and children under 21 years of age). Within the extended family, adult children over 21 years of age and adult relatives (e.g., grandparents, cousins) should each be established as their own FBU's. Minor children related to the caretaker but who have no parent in the household, would be included in the same FBU with the relative caretaker.

Where there is an urgent need for assistance, the county welfare departments should make such provisions as are necessary to cope with the emergency by speeding up the application process and by issuing the initial grant to the refugee on an immediate need basis where apparent eligibility and immediate need exist.

No financial resources which are in fact not available to the refugee, including resources remaining in Vietnam or Cambodia owned by a refugee or a responsible relative, shall be considered in determining eligibility for financial assistance.

The income and resources of sponsors shall not be considered in determining eligibility for financial assistance. However, if the sponsor is providing one or more items of need for the refugee, this shall be considered income in-kind to the FBU in determining eligibility for financial assistance and social services.*

Medi-Cal

For purposes of determining the Medi-Cal eligibility of Vietnamese and Cambodian refugees, all requirements for categorical relatedness are waived. County welfare departments shall determine the eligibility of refugees according to either the AFDC cash grant (aid code 01) or AFDC medically needy (aid code 02) standards (ignoring requirements for categorical relatedness) depending on the amount of their income and resources. Details on aid codes are in Section VI.

Vietnamese and Cambodian refugees shall not be processed under the Medically Indigent program since such action would preclude the claiming of 100% federal reimbursement. Only aid codes 01 and 02 shall be used for identifying those Vietnamese and Cambodian cash grant/Medi-Cal beneficiaries whose eligibility has been determined by county welfare departments.

* Please note section under Medi-Cal concerning income and resources since Medi-Cal Program has different provisions.

Providing Medi-Cal to refugees is designed: (a) to avoid a refugee's becoming a burden on State or local resources if the resettlement plan has broken down; and (b) to avoid a complete breakdown in the resettlement plan in cases in which the sponsor can continue to meet the basic needs of the refugee but is unable to meet the cost of medical services.

The waiving of categorical relatedness allows medical assistance to be provided solely on the basis of need, without regard to family composition or the presence of children. In determining Medi-Cal eligibility:

1. No financial resources which are in fact not available to the refugee, including resources remaining in Vietnam or Cambodia owned by a refugee or a responsible relative, shall be considered.
2. The income and resources of sponsors, and the in-kind services and shelter provided to refugees by their sponsors shall not be considered.

Relationship to SSI

All refugee recipients who are 65 years of age or older or who are blind or disabled shall be referred by the county welfare department to the local Social Security district office to apply for SSI/SSP benefits before an application is taken for financial and medical assistance. However, applications thereafter must be accepted by the county and such refugees will be eligible for financial and medical assistance and social services until SSI/SSP benefits are begun if they meet the financial requirements of the refugee program.

When the CWD learns that SSI has made a payment to a refugee for the same month as the refugee assistance program, the CWD should attempt to recover the assistance payment from the recipient.

Social Services

Social services will be provided in accordance with the approved plan for service programs, except that requirements of categorical relatedness are waived.

V. RECORDS

Counties will establish a case folder containing a payment record and related documents. Counties will complete the authorization and payment process for all refugees by using the existing 278 L-M procedures.

County records must include the number which appears in the block "Passport or Alien Registration Number" on the Form I-94 issued by INS and should also include the name of the national voluntary resettlement agency which resettled the refugee and the name and address of the sponsor. (Some early arrivals may not have been resettled by such an agency, but most future arrivals will be.)

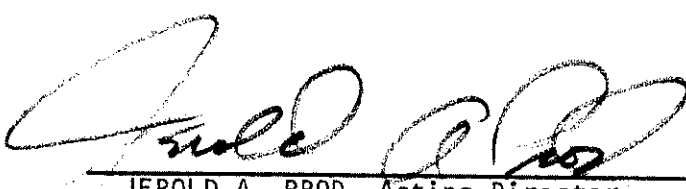
Counties must maintain separate records on costs incurred on behalf of Vietnamese and Cambodian refugees.

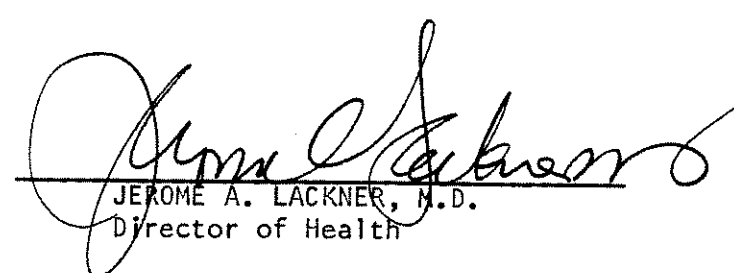
VI. AID CODES

The following aid codes will be used for identifying Vietnamese and Cambodian refugees:

- 01 - AFDC Cash Grant
- 02 - AFDC Medically Needy
- 05 - Food Stamps

The State is working with the Social Security Administration to develop a system to identify those refugees who have applied for SSI/SSP so that notification of the approval or denial of the application can be given to the State. The State will pass this information on to the counties to expedite discontinuance of the person from the refugee program.



JEROLD A. PROD, Acting Director
Department of Benefit Payments

JEROME A. LACKNER, M.D.
Director of Health

Contact References:

For Medi-Cal: Jane Hill
916/445-3404

For Financial Assistance: Stan Koepke
916/445-0813

cc: CWDA